

REMARKS

This case has been carefully reviewed and analyzed in view of the Office Action dated 30 June 2004. Responsive to the Office Action, a Terminal Disclaimer to Obviate a Provisional Double Patenting Rejection Over a Pending Second Application and the requisite fee under 37 C.F.R. § 1.20(d) is submitted. Also, Claim 7 is now canceled, and Claims 1 – 2 and 8 – 9 are amended for further prosecution in this case.

In the Office Action, the Examiner allowed Claims 10 – 18. The Examiner objected to Claims 7 – 9 for being dependent upon a rejected base claim, but indicated that those claims would also be allowable if rewritten in independent form to include all of the limitations of the base and any intervening claims.

As for Claims 1 – 6, the Examiner provisionally rejected Claim 1 under 35 U.S.C. § 101 as claiming the same invention as Claim 1 of co-pending Application No. 10/453,494. The Examiner provisionally rejected Claims 2- 6 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 2 – 6 of that co-pending '494 application.

In the interests of expediting prosecution of this case, Claim 1 is now amended to incorporate the subject matter of Claim 7, with Claim 7 itself being cancelled and Claims 8 and 9 being amended to each depend from Claim 1. Claim 2 is amended to independent form, incorporating the subject matter of Claim 1 as it was originally filed.

Moreover, a Terminal Disclaimer to Obviate a Provisional Double Patenting Rejection Over a Pending Second Application is submitted with the appropriate Terminal

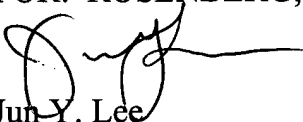
Disclaimer fee required under 37 C.F.R. § 1.20(d). A check in the amount of \$55.00 is enclosed to cover the Terminal Disclaimer fee due. The Director of Patents and Trademarks is authorized to charge Deposit Account No. 18-2011 for any deficiencies, should additional fees be required in connection with this Amendment and Terminal Disclaimer.

It is believed, therefore, that the Provisional Double Patenting rejections are now overcome, and that each of the Claims 1 – 9 are also now in allowable form.

It is respectfully submitted that the subject Patent Application has thus been placed fully in condition for allowance, and such action is respectfully requested.

Respectfully submitted,

FOR: ROSENBERG, KLEIN & LEE



Jun-Y. Lee
Registration #40,262

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Rosenberg, Klein & Lee
Suite 101
3458 Ellicott Center Drive
Ellicott City, MD 21043
(410) 465-6678

Customer No.
04586